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DANIEL N. SMITH
1 SALEM GREEN
SUITE 405
SALEM MA 01970

MAILED

SEP 28 2012

OFFICE OF PETITIONS

In re Patent No. 6,575,941
Issue Date: June 10, 2003
Application No. 09/436,741
Filed: November 9, 1999
For: PERMANENT LOCKING MECHANISM
FOR SHARP-INSTRUMENT SAFETY
GUARD

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed June 28, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (1), (2) and (3) above.

As to item (1):

The statement provided on page three (3) of the petition was not signed.

As to items (2 and 3) the payment of the 7 ½ year maintenance fee (\$1,425.00) and the surcharge fee set forth in 37 CFR 1.20(i)(2) (\$1,640.00) were not submitted.

Additionally, petitioner should be aware of the **fee increase to be in effect on October 5, 2012**. The payment of the 7 ½ year maintenance fee will be **\$1,450.00** (at the small entity rate) on October 5, 2012.

Petitioner should note that the \$1,255 mentioned in the attached letter to the above petition on June 28, 2012 was refunded to the payee on September 26, 2012.

The file does not indicate a change of address has been submitted, although the address given on the attachment to the petition differs from the address of record. If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this decision is being mailed to the address on the attachment to the petition. However, the Office will mail all future correspondence solely to the address of record.

Further, on the first page of the petition submitted on June 28, 2012, the petitioner referenced Application No. 60/119,373 instead of Application No. 09/436,741.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
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 Post Office Box 1450
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By hand: Customer Service Window
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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Cc:

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